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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,219	09/03/2003	Takanori Masui	116972	2614

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EXAMINER	
HOFFMAN, BRANDON S	
ART UNIT	**PAPER NUMBER**
2136	

MAIL DATE	DELIVERY MODE
06/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/653,219	MASUI ET AL.	
	Examiner	Art Unit	
	Brandon S. Hoffman	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9-3-03/5-30-06/6-19-06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statements (IDS's) submitted on September 3, 2003, May 30, 2006, and June 19, 2006,are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract is over 150 words and needs to be shortened.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1 and 8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 6, 8, 9, 11, 12, and 14-16 of copending Application No. 10/653,191. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant application includes all the limitations of the copending application. For example, both applications sign the process descriptions and transmit the signed process descriptions. The copending application has additional steps, such as selecting a signature key used for signing the instruction data.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 3, 4, 7-9, 11, 12, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Shear et al. (U.S. Patent No. 6,157,721).

Regarding claims 1 and 9, Shear et al. teaches an information processor/method for realizing a service by allowing a plurality of job processors, each executing a process according to a process description written in instruction data, to cooperatively operate, the information processor comprising:

- A signature unit for electronically signing a portion of the process description written in the instruction data to be executed by the job processor (fig. 5 col. 4, lines 61-67, col. 10, lines 4-8, and col. 10, lines 54-59); and
- A transmission unit for transmitting the instruction data electronically signed by the signature unit to a job processor for executing a process indicated in the process description (col. 14, lines 39-41).

Regarding claims 3 and 11, Shear et al. teaches wherein the signature unit attaches an electronic signature of the information processor (fig. 2, ref. num 100).

Regarding claims 4 and 12, Shear et al. teaches wherein the information processor is an originating unit issuing the service (fig. 2, ref. num 52).

Regarding claims 7 and 15, Shear et al. teaches wherein the signature unit electronically signs each of a plurality of portions that are to be executed by each job processor (fig. 9).

Regarding claims 8 and 16, Shear et al. teaches wherein the signature unit electronically signs a process unit in the process description (fig. 4, ref. num 110).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 2, 5, 6, 10, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shear et al. (USPN '721) in view of Prange et al. (U.S. Patent No. 4,725,946).

Regarding claims 2 and 10, Shear et al. teaches all the limitations of claims 1 and 9, respectively, above. However, Shear et al. does not teach wherein the signature unit attaches an electronic signature of a requestor who requested the service.

Prange et al. teaches wherein the signature unit attaches an electronic signature of a requestor who requested the service (col. 7, lines 54-58).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine attaching an electronic signature of a requestor who requested the service, as taught by Prange et al., with the processor/method of Shear et al. It would have been obvious for such modifications because signatures of requesting devices ensure that the actual requesting device requested the data.

Regarding claims 5 and 13, Shear et al. teaches all the limitations of claims 1 & 3 and 9 & 11, respectively, above. However, Shear et al. does not teach wherein the information processor is a relaying device for relaying a result of a job process from a job processor to another.

Prange et al. teaches wherein the information processor is a relaying device for relaying a result of a job process from a job processor to another (abstract).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the information processor is a relaying device for relaying a result of a job process from a job processor to another, as taught by Prange et al., with the processor/method of Shear et al. It would have been obvious for such

modifications because the job performed by the multiple processors increases speed by dividing processes over the multiple processors.

Regarding claims 6 and 14, Shear et al. teaches all the limitations of claims 1 and 9, respectively, above. However, Shear et al. does not teach wherein the signature unit signs data including the process description to be electronically signed and the process descriptions for processes which are to be executed after the target process.

Prange et al. teaches wherein the signature unit signs data including the process description to be electronically signed and the process descriptions for processes which are to be executed after the target process (col. 9, lines 35-64).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine signing the process description to be electronically signed and the process descriptions for processes which are to be executed after the target process, as taught by Prange et al., with the processor/method of Shear et al. It would have been obvious for such modifications because a signature before and after ensures no tampering through the entire process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon Hoffman/

BH

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
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6/8/07